

Hon. Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

TABETHA HUBBERT-HINE,
Defendant-Appellant.

No. 2:18-cr-00230-RAJ

ORDER

THIS MATTER comes before the court on Defendant-Appellant Tabettha Hubbert-Hine's appeal of her conviction after a bench trial before Magistrate Judge McCandlis of driving a vehicle while under the influence of intoxicating liquor in violation of 18 U.S.C. § 7 and 13 and RCW 46.61.502, operating a vehicle without proof of insurance in violation of 18 U.S.C. § 7 and 13, 32 CFR § 2:10, and RCW 46.30.020, operating a vehicle without a valid driver's license in violation of 18 U.S.C. § 7 and 13, 32 CFR § 2:10, and RCW 46.20.015, and using a personal electronic device while driving in violation of 18 U.S.C. § 7 and 13, 32 CFR § 2:10, and RCW 46.61.672.

Ms. Hubbert-Hines' appeal argues that her conviction for driving under the influence should be reversed because she was entitled to a trial by jury and did not validly waive that right, and because the magistrate judge erred when she concluded that the United States had proven that the offense took place on federal property. Dkt. 52.

1 In its response brief, the United States concedes that Ms. Hubbert-Hine had a
2 right to a jury trial because she faced a maximum penalty of 364 days of
3 imprisonment. The government also concedes that the record contains no indication
4 that she was advised of her right to a jury trial and waived that right, and that the
5 record contains no indication that the government agreed to accept her waiver, as
6 required by Federal Rule of Criminal Procedure 23(a). Dkt. 62.

7 Accordingly, IT IS ORDERED that Defendant-Appellant Tabettha Hubbert-
8 Hines' conviction for driving under the influence is **REVERSED** and this case is
9 **REMANDED** for a new trial.

10 DATED this 7th day of October, 2021.

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12 The Honorable Richard A. Jones
13 United States District Judge
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